

**SUMMARY OF THE CITY COUNCIL REGULAR MEETING HELD MAY 18, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Absent: None.

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

**2 – Consent Agenda**

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of May 4, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$444,040.87.
- f. Approval of BASWA Report of Claims in the amount of \$69,994.31.
- g. Approval of addition to liquor license of Risky's II at 2317 N 6<sup>th</sup> Street, adding a 28X24 beer garden.
- h. Approval of bid of Constructors, Inc. in the amount of \$149,095.00 and change order #1 decreasing the contract by \$31,950.00 for a total of \$117,145.00 for Mill & Overlay Project #09-487.
- i. Approval of Resolution Number 5122 appointing Terry Doyle to the Citizen Advisory Review Committee.
- j. Approval of ambulance write-off/send to collections listing.
- k. Approval of addition to liquor license of The Office at 513 Ella Street, adding a 20x20 beer garden.

Moved by Fairbanks, seconded by Fetty, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.  
Abstain on item d - Fairbanks

Motion carried.

Mayor Schuster announced to hear discussion of agenda item 7a now.

**a. Discussion on council procedures for amending adoption of Roberts Rules of Order.**

City Attorney Tobias Tempelmeyer explained that City Code states that the Council will follow Roberts Rules of Order, which states that a motion to suspend the rules cannot be debated or amended and can only be considered one time. The Council however has not followed this rule and therefore recommends that the Council change procedures to match the rule or pass an ordinance to amend the City Code to reflect the current practice. Discussion followed with direction given to have the City Attorney draft an ordinance for consideration.

**3 – Public Hearings/Bids: None.**

**4 – Resolutions:**

**a. Approving Second Addendum to Contract for Sale of Real Estate with Custom Fixtures, Inc.**

Mayor Schuster introduced Resolution Number 5121 approving Second Addendum to Contract for Sale of Real Estate with Custom Fixtures, Inc.

Moved by Fairbanks, seconded by Fetty, that Resolution Number 5121 be passed and adopted.

City Attorney Tempelmeyer explained that the addendum indemnifies the Buyer from damage or loss that could arise due to the prior use of an underground storage tank on the property. Closing will then take place sometime in June.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Resolution Number 5121 has been passed and adopted.

**5 – Ordinances:**

- a. Ordinance Number 09-021, read two times, adding to the Beatrice City Code Sections 9-1 thru 9-13 requiring registration of alarm systems.**

Mayor Schuster introduced an ordinance adding to the Beatrice City Code Sections 9-1 thru 9-13 requiring registration of alarm systems.

Moved by Fairbanks, seconded by Fetty, that said ordinance be given Ordinance Number 09-021, the title thereof be approved and the rules be suspended and said ordinance be read by number only the third and final time tonight.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 09-021 by number only the first, second and third time.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-021 be passed and approved.

Mayor Schuster reviewed the ordinance, which was discussed at the last meeting, requiring registration of central alarm systems for businesses and fees for responding to false alarms.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Ordinance Number 09-021 has been passed and approved.

- b. Ordinance Number 09-022 establishing salaries for various City employees.**

Mayor Schuster announced further consideration of Ordinance Number 09-022 establishing salaries for various City employees, can only be read by title one time.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-022, the title thereof be approved and said ordinance read by title the second time tonight.

Discussion was held regarding Section 3 of the proposed ordinance providing a one-time bonus schedule to certain department heads, which has received negative response. A letter was received from the department heads to remove Section 3 and encouraging the council to support the performance based increases for their employees. A memo was also received from the Board of Public Works in support of their employees' increases and bonuses.

Moved by Lytle, seconded by Fetty, to strike Section 3 of proposed Ordinance Number 09-022 providing a bonus schedule to certain department heads.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde  
Nay: Schmale

Motion carried.

Vote on original motion as amended:

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde  
Nay: Schmale

Motion carried.

Mayor Schuster read Ordinance Number 09-022 by title the second time.

- c. Amending the Beatrice City Code Sections 16-53, 16-54, and 16-56 regarding parking citations. (to provide for violators of Section 16-366 (2 hour parking-downtown area), first violation-warning; second violation-\$5.00 fine; and third violation-\$45.00 fine plus boot; each plus \$5.00 administrative cost)**

Mayor Schuster introduced an ordinance amending the Beatrice City Code Sections 16-53, 16-54, and 16-56 regarding parking citations. (changing the fine for violators of Section 16-366 2-hour parking downtown)

Moved by Fairbanks, seconded by Carey, that said ordinance be given Number 09-023, the title thereof be approved and said ordinance be read by title one time tonight.

City Attorney Tempelmeyer explained that after the original committee recommendation failed at the last meeting, he drafted this new ordinance providing a warning for the first violation, a fine for the second violation at a cost of \$10.00, and for the third violation fine a total cost of \$50.00 plus a boot. Discussion was held regarding the need for a time-limit between violations and how long. Stan Wirth, 718 Garfield; Angela Fortier, Main Street Director; and Lori Warner, Chamber of Commerce; all appeared in support of the tiered fine structure and a 1 or 2 year limitation.

Moved by Moore, seconded by Fairbanks to amend Ordinance Number 09-23 to provide for a 1-year limitation on the 2-hour parking violation.

Moved by Moore, seconded by Fairbanks to amend the amendment motion to define the limitation as a 2-year rolling limitation.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Vote on amendment motion as amended:

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Vote on original motion as amended:

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Mayor Schuster read Ordinance Number 09-023 by title the first time.

## **6— Public Forum:**

Joelyn Hansen, Daily Sun Staff Writer, expressed her gratitude for the good fortune to have covered the City of Beatrice and Beatrice Board of Public Works news the last three years. She is leaving the Daily Sun to take a position in Idaho Falls ID. She said the members were professional, fair and respectful and had great employees with considerable pride and represent the citizens well. She introduced her temporary replacement Kristin Jirovsky.

## **7- Discussions/Reports:**

- b. Discussion regarding request from Dave Doering of 1403 South 5<sup>th</sup> Street to vacate Swarthmore Avenue.**

City Administrator, Neal Niedfeldt, reported that the neighbors of Dave Doering, 1403 South 5<sup>th</sup> Street, had been contacted and all were willing to accept the adjacent portion of Swarthmore Avenue if vacated, which would add the valuation to the tax rolls, however, none were willing to pay anything for the property. Discussion followed.

Moved by Fetty, seconded by Catlin, to negotiate with the adjoining property owners to buy the property.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

**b. Report of Beatrice Plus Committee and recommendation for approval of project.**

Councilmember Fairbanks reported that the committee met on April 20<sup>th</sup> and discussed the three applications. Using the \$8,000 in funds available they recommended awarding the following projects: \$5,000 to Main Street Beatrice for Charles Park project items Bobby Kennedy sign and installation of concrete for flower garden; \$2,000 to YMCA for outside grills and dugout benches; \$1,000 to YRI for dugout covers at Northern Natural Gas fields.

Moved by Fairbanks, seconded by Fetty to approve the projects awarded to Main Street Beatrice, YRI, and YMCA, as recommended by the Beatrice Plus Committee.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

**c. Goals List.**

City Administrator Niedfeldt presented the tabulated goals list as prioritized by the councilmembers reading the top 10 goals, which include infrastructure, Business Campus building, Fire Hall, Carnegie Building, GCED, joint reorganization of City County GCED and Chamber, cleanup dilapidated property, comprehensive ED plan, sidewalks, and annexing remainder of industrial park.

**d. Monthly City Administrator Report.**

City Administrator Niedfeldt presented the monthly report as printed in the packet. Sales tax is down due to LB775 refunds so some capital projects are being delayed.

**8- Miscellaneous:**

**a. Executive Session to discuss possible litigation.**

Moved by Fairbanks, seconded by Schmale, to meet in Executive Session at 8:29 p.m. to discuss possible litigation, updating the Council on the gas plant site cleanup.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

Reconvened at 8:40 p.m.

**b. Next regular council meeting is June 1, 2009, at 7:00 p.m.**

**c. Subcommittee meetings will be TUESDAY, May 26, 2009, A at 6:00, B at 7:30**

Moved by Fairbanks, seconded by Schmale that the meeting be adjourned at 8:41 p.m.

Roll Call: Yea: Carey, Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None.

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**